

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NORTHERN DIVISION

RICHARD OWEN,

Plaintiff,

v.

CAROLYN W. COLVIN, in her capacity as  
Acting Commissioner of the Social Security  
Administration,

Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 1:13-CV-00141

Judge Robert J. Shelby

This case has been referred to Magistrate Judge Brooke Wells pursuant to 28 U.S.C. § 626(b)(1)(B). Plaintiff Richard Owen has challenged the denial of his applications for Period of Disability, Disability Insurance Benefits and Supplemental Security Income. Pursuant to 42 U.S.C. § 405(g), he seeks to reverse the determination of the Social Security Administration Commissioner, on the basis of alleged errors made by the Administrative Law Judge.

Judge Wells issued a Report & Recommendation on March 10, 2015. (Dkt. 25.) Judge Wells recommended the court affirm the Commissioner's decision. Neither party submitted an objection to the Report & Recommendation within the allotted time frame.<sup>1</sup> In the absence of an objection to a report and recommendation, the court may apply a "clearly erroneous" standard of review when evaluating a report and recommendation. Under this standard, the court "will

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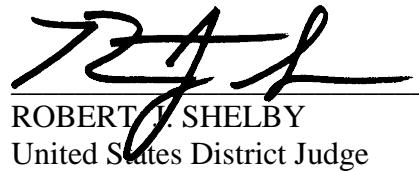
<sup>1</sup> Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b).

affirm the Magistrate Judge's ruling unless [the court] . . . is left with the definite and firm conviction that a mistake has been committed.”<sup>2</sup>

After reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Wells did not err in her analysis. The court therefore ADOPTS the Recommendation, and **AFFIRMS** the decision of the Commissioner. (Dkt. 25.) The Clerk of Court is directed to close the case.

SO ORDERED this 30th day of March, 2015.

BY THE COURT:



ROBERT J. SHELBY  
United States District Judge

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<sup>2</sup> *Thompson v. Astrue*, 2010 WL 1944779, at \*1 (D. Utah May 11, 2010) (internal quotation marks and citations omitted).